

and the court shall direct the manner and terms of sale; provided, that no credit exceeding twelve months be given, and that where credit is given, bond with security shall be taken; the court shall have power, in case it shall suspect any fraud, collusion, connivance or improper management to affect the sale, or that it was unreasonably made, or that the property was sold much under its value, to compel the said executor or administrator to account for all such deficiencies as may have arisen by his misconduct, the court always observing the inventory as their rule for ascertaining such deficiency.

Orphans' Court given authority by this section to prescribe length of notice of sale; inadequacy of price; sale upheld. *Knapp v. Knapp*, 149 Md. 219.

Cited but not construed in *Murray v. Hurst*, 163 Md. 489.

Secs. 292-298 cited in *Goldsborough v. DeWitt*, 171 Md. 244.

Equity has concurrent jurisdiction with orphans' court to set aside a sale on ground of fraud, though it has been ratified. *Conway v. Green*, 1 H. & J. 152.

An order of court directing a sale to pay debts must be complied with by executor, and he cannot make decedent's property his own by paying the debts. *Hall v. Griffith*, 2 H. & J. 483. And see *Haslett v. Glenn*, 7 H. & J. 22.

This section referred to as showing recognition that some latitude or discretion in orphans' court must necessarily be allowed. *Lowe v. Lowe*, 6 Md. 357.

An. Code, 1924, sec. 291. 1912, sec. 282. 1904, sec. 279. 1888, sec. 275. 1798, ch. 101, sub-ch. 8, sec. 4.

**293.** The court shall have power to direct a sale as aforesaid, in case it shall deem a sale advantageous for the persons interested in the administration, either *ex officio* or on application of any of the said persons.

A sale directed by the orphans' court held to have been authorized by this section. *Crawford v. Blackburn*, 19 Md. 42.

This section referred to as showing recognition that some latitude or discretion in orphans' court must necessarily be allowed. *Lowe v. Lowe*, 6 Md. 357.

An. Code, 1924, sec. 292. 1912, sec. 283. 1904, sec. 280. 1900, ch. 605, sec. 275A.

**294.** The court shall also have the power to direct a sale of any part of the personal estate of a decedent, on application of an administrator or executor, whenever it shall appear thereby, or upon such further proof as the court may require, that a sale is advantageous to the persons interested in said estate.

An. Code, 1924, sec. 293. 1912, sec. 284. 1904, sec. 281. 1888, sec. 276. 1843, ch. 304, sec. 1. 1906, ch. 537.

**295.** No executor or administrator shall sell any property of his decedent without an order of the orphans' court granting his letters being first had and obtained authorizing such sale; and any sale made without an order of court previously had as aforesaid shall be void, and no title shall pass thereby to the purchaser; provided, however, that all sales of leasehold property heretofore made by executors or administrators without a previous order of the orphans' court authorizing the same, but which have been duly reported to and finally ratified by said orphans' court, shall be valid to all effects and purposes as if such previous order had been obtained.

Where an administrator assigns a note and the mortgage securing it—latter "for value received"—to the widow of testator and she subsequently assigns it to plaintiff, it will be assumed that administrator obtained the necessary order of court under this section, in absence of proof to contrary. *Fuhrman v. Fuhrman*, 115 Md. 439. And see *Walking v. Ensor*, 138 Md. 501.

This section and sec. 298 have no application to a sale of real estate made as trustees, not as executors, where the will authorizes a sale in former capacity. Where jurisdiction of such trust is not assumed by equity, executors may settle their account as executors and trustees in orphans' court. *Parker v. Leighton*, 131 Md. 420.

This section referred to in deciding that a corporation was liable for improperly transferring stock which stood on its books in name of executor. *Marbury v. Ehlen*, 72 Md. 215. And see *Stewart v. Firemen's Ins. Company*, 53 Md. 579.